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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,869

11/21/2003

Cynthia Kae Florkey

LUC-439/Florkey 13-7-3

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32205

7590

10/13/2006

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EXAMINER

LE, DANH C

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/719,869

Applicant(s)

FLORKEY ET AL.

Examiner

DANH C. LE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 6-24 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**SET I**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshihara (US 6,643,291) in view of Haga (US 20030231338).**

As to claim 1, Yoshihara teaches an apparatus (figures 1, 24-28 and their descriptions), comprising:

a gateway component that provides an identifier of a service provider to a sender of a message through employment of a user address associated with a recipient of the message.

Yoshihara fails to teach the identified is a logo associated with the service provider. Haga teaches the identified is a logo associated with the service provider (paragraph 588). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Haga into the system of Yoshihara in order to identify the domain server.

As to claim 2, Yoshihara teaches the apparatus of claim 1, wherein the service provider is associated with the recipient of the message, wherein the gateway component determines the identifier

of the service provider associated with the recipient of the message through employment of the user address associated with the recipient (figures 1, 24-28 and their descriptions).

As to claim 3, Yoshihara teaches the apparatus of claim 2, wherein the gateway component determines an indication of a text-delivery network associated with the service provider, wherein the gateway component provides the indication of the text-delivery network to the sender (figures 49, 50 and their descriptions).

**2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshihara and Haga in view of Lasenski (US 20050058260).**

As to claim 4, Yoshihara and Haga teaches the apparatus of claim 3, Yoshihara and Haga fails to teach the indication of the text-delivery network comprises a Universal Resource Locator (URL) associated with the text-delivery network, wherein the gateway component provides the Universal Resource Locator to the sender to allow for an initiation of the message by the sender. Lasenski teaches a Universal Resource Locator (URL) associated with the text-delivery network, wherein the gateway component provides the Universal Resource Locator to the sender to allow for an initiation of the message by the sender (paragraph 0082). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Lasenski into the system of Yoshihara and Haga in order to identifies the location in server system of the message to be accessed.

**SET II**

***Claim Rejections - 35 USC § 103***

**3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasenski (US 20050058260) in view of Haga (US 20030231338).**

As to claim 1, Lasenski teaches an apparatus (figures 8-10 and their descriptions), comprising:

a gateway component that provides an identifier of a service provider to a sender of a message through employment of a user address associated with a recipient of the message.

Lasenski fails to teach the identified is a logo associated with the service provider. Haga teaches the identified is a logo associated with the service provider (paragraph 588). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Haga into the system of Yoshihara in order to identify the domain server.

As to claim 2, Lasenski teaches the apparatus of claim 1, wherein the service provider is associated with the recipient of the message, wherein the gateway component determines the identifier of the service provider associated with the recipient of the message through employment of the user address associated with the recipient (figures 8-10 and their descriptions).

As to claim 3, Lasenski teaches the apparatus of claim 2, wherein the gateway component determines an indication of a text-delivery network associated with the

service provider, wherein the gateway component provides the indication of the text-delivery network to the sender (figures 11, 15 and their descriptions).

As to claim 4, Lasenski teaches the apparatus of claim 3, wherein the indication of the text-delivery network comprises a Universal Resource Locator (URL) associated with the text-delivery network, wherein the gateway component provides the Universal Resource Locator to the sender to allow for an initiation of the message by the sender (paragraph 0082).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claims 5, 25 are allowed as stated in the Applicant's on pages 9-11.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Chung (US 2004/0117451) teaches method and systems for electronic mail internet target and direct marketing and electronic mail banner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

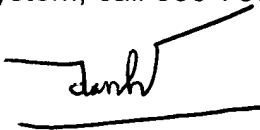
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



October 9, 2006  
DAN H. LEE

PRIMARY EXAMINER